

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Capital One Bank (USA) NA,

Civil 13-2418 PJS/FLN

Plaintiff,

v.

O R D E R

Donald Mashak,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated January 6, 2014, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Defendant's application for leave to proceed in forma pauperis, (Docket No. 2), is **DENIED**;
2. Defendant's notice of removal, as amended, is **VACATED**; and
3. This case is immediately **REMANDED** to the State District Court for Wright County,

Minnesota.

DATED: 01/27/14

s/Patrick J. Schiltz

PATRICK J. SCHILTZ
United States District Court